

**From:** Robert  
**To:** Microsoft ATR  
**Date:** 1/23/02 9:09am  
**Subject:** Microsoft Settlement

Dear Sirs:

I am deeply concerned about the lack of teeth in the proposed final judgement of the Microsoft Anti-Trust lawsuit. As a long time software developer (30+ years), I am frightened by the stranglehold that Microsoft has developed on the software industry. Their predatory, anti-competitive, and seemingly lawless practices threaten the vibrancy of the industry that gave them birth.

My concerns are multiple, but all concern the ability of vendors to compete with Microsoft in either the Operating System or Application areas. For years Microsoft has "enhanced" the Windows "Operating System" (OS) by incorporation of application software into the OS. By incorporating application software (browsers, media players, etc.), into the OS, Microsoft has blurred the distinction between the two. In many cases, this has discouraged innovation and research in those application areas. Nothing in the proposed final judgement addresses this practice.

Microsoft has poorly documented the application program interface (API). Those parts of the API that are documented are poorly done, but there are large portions of the API that remain undocumented and fervently protected by Microsoft. This practice prohibits any vendor from developing a product to effectively compete with the Windows product line. There would simply be Windows applications that would not work on the competing product. Nothing in the proposed final judgement addresses this practice.

Microsoft continues to hold forth extraordinary control over OEMs and large corporations in their restrictive license practices. Large corporations are forced into agreements that force them to buy Windows licenses for every computer the corporation owns or operates that CAN run the windows OS rather than those that do. OEMs are restricted from distribtuing open source software with their products. Nothing in the proposed final judgement addresses this practice.

The proposed final judgement has virtually no enforcement provisions. While a technical committee will be established under the proposed final judgement to watch Microsoft, the technical committee has no recourse but to raise the flag and hopefully force Microsoft to return to court. This hardly seems like enforcement.

Overall, I have been dismayed by the conduct of the justice department in pursuing a judgement against Microsoft that would benefit the American citizen. Discouraging competition in the OS and application software industry, allowing licensing that smirks of monopolistic power, and not enabling the oversight committee with enforcement hardly seems in the best intrust of the American consumer.

Sincerely,  
Robert W. Heller  
Software Engineer  
211 East Hermosa  
San Antonio, TX 78212-1779

---

MTC-00015434\_0002